

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 JOEL EICHENHOLTZ, Individually and On)
12 Behalf of All Others Similarly Situated,)

13 Plaintiff,)

14 v.)

15 VERIFONE HOLDINGS, INC., DOUGLAS)
16 G. BERGERON, and BARRY)
17 ZWARENSTEIN,)

18 Defendants.)

19 PETER LIEN, Individually and On Behalf of)
20 All Others Similarly Situated,)

21 Plaintiff,)

22 v.)

23 VERIFONE HOLDINGS, INC., DOUGLAS)
24 G. BERGERON, and BARRY)
25 ZWARENSTEIN,)

26 Defendants.)
27
28

Case No. C 07-6140 MHP

STIPULATION AND ~~[PROPOSED]~~
ORDER CONSOLIDATING RELATED
CASES

Judge: The Hon. Marilyn H. Patel
Courtroom: 15

Case No. C 07-6195 JSW

BRIAN VAUGHN and MIRIAM LOGAN,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6197 VRW

ALBERT L. FELDMAN and ELEANOR
JEAN FELDMAN, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6218 MMC

DONALD CERINI, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6228 SC

WESTEND CAPITAL MANAGEMENT
LLC, Individually And On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6237 MMC

KURT HILL, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6238 MHP

DANIEL OFFUTT, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants.

Case No. C 07-6241 JSW

EDWARD FEITEL, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS
G. BERGERON, and BARRY
ZWARENSTEIN,

Defendants

Case No. C 08-0118 CW

Pursuant to Fed. R. Civ. P. 16(d), Civil L.R. 23-1(b), and the Manual for Complex Litigation, Fourth §§ 11.12, 11.21, and 31 (2004), the parties stipulate, and the Court hereby orders, as follows:

CONSOLIDATION OF RELATED CASES

1. The following nine actions arise out of the same transactions and occurrences and involve the same or substantially similar issues of law and/or fact, and, therefore, are related cases within the meaning of Civil L.R. 3-12:

Abbreviated Case Name	Case Number	Date Filed
<i>Eichenholtz v. VeriFone Holdings, Inc. et al.</i>	C 07-6140 MHP	12/04/07
<i>Lien v. VeriFone Holdings, Inc. et al.</i>	C 07-6195 JSW	12/06/07
<i>Vaughn et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6197 VRW	12/06/07
<i>Feldman et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6218 MMC	12/07/07
<i>Cerini v. VeriFone Holdings, Inc. et al.</i>	C 07-6228 SC	12/10/07
<i>Westend Capital Management LLC v. VeriFone Holdings, Inc. et al.</i>	C 07-6237 MMC	12/10/07
<i>Hill v. VeriFone Holdings, Inc. et al.</i>	C 07-6238 MHP	12/10/07
<i>Offutt v. VeriFone Holdings, Inc. et al.</i>	C 07-6241 JSW	12/11/07
<i>Feitel v. VeriFone Holdings, Inc., et al.</i>	C 08-0118 CW	01/07/08

2. Pursuant to Fed. R. Civ. P. 42(a), the above-listed cases are hereby reassigned to United States District Judge Marilyn H. Patel and consolidated into Civil Action C 07-6140 MHP for pretrial proceedings before this Court. The consolidated action shall be captioned: “*In re VeriFone Holdings, Inc. Securities Litigation.*”

3. All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related

1 action, absent order of the Court. A party that objects to such consolidation, or to any other provision of
 2 this Order, must file an application for relief from this Order within thirty (30) days after the date on
 3 which a copy of the order is mailed to the party's counsel.

4 4. This Order is entered without prejudice to the rights of any party to apply for
 5 severance of any claim or action, for good cause shown.
 6

7 **MASTER DOCKET AND CAPTION**

8 5. The docket in Civil Action No. C 07-6140 MHP shall constitute the Master
 9 Docket for this action.

10 6. Every pleading filed in the consolidated action shall bear the following caption:

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE VERIFONE HOLDINGS, INC.) Master File No.
 14 SECURITIES LITIGATION) C 07-6140 MHP
 15) **CLASS ACTION**
 16)

16 This Document Relates To:)
 17)
 18)
 18 _____)

19 7. The file in Civil Action No. C 07-6140 MHP shall constitute a Master File for
 20 every action in the consolidated action. When the document being filed pertains to all actions, the
 21 phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:." When a
 22 pleading applies only to some, but not all, of the actions, the document shall list, immediately after the
 23 phrase "This Document Relates To:," the docket number for each individual action to which the
 24 document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07
 25 6140 (Doe)").
 26
 27
 28

1 *I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to*
2 *file this STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED CASES. In*
3 *compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred*
4 *in this filing.*

5 Dated: January 18, 2008

6 /s/ Brendan P. Cullen
7 Brendan P. Cullen (SBN 194057)
8 SULLIVAN & CROMWELL LLP
9 1870 Embarcadero Road
10 Palo Alto, California 94303
11 Telephone: (650) 461-5600
Facsimile: (650) 461-5700

Attorneys for VeriFone Holdings, Inc.,
Douglas G. Bergeron, and Barry
Zwarenstein

12 Dated: January 18, 2008

13 /s/ Aaron M. Sheanin
14 Daniel C. Girard (SBN 114826)
15 Jonathan K. Levine (SBN 220289)
16 Aaron M. Sheanin (SBN 214472)
17 GIRARD GIBBS LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Attorneys for Joel Eichenholtz

18 Dated: January 18, 2008

19 /s/ Reed R. Kathrein
20 Reed R. Kathrein (SBN 139304)
21 HAGENS BERMAN SOBOL SHAPIRO
22 LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001

23 Lewis S. Kahn
24 KAHN GAUTHIER SWICK, LLC
650 Poydras Street, Suite 2150
New Orleans, LA 70130
25 Telephone: (504) 455-1400
26 Facsimile: (504) 455-1498

Attorneys for Peter Lien

1 Dated: January 18, 2008

/s/ Reed R. Kathrein

2 Reed R. Kathrein (SBN 139304)
3 HAGENS BERMAN SOBOL SHAPIRO
4 LLP
5 715 Hearst Avenue, Suite 202
6 Berkeley, CA 94710
7 Telephone: (510) 725-3000
8 Facsimile: (510) 725-3001

9 Lewis S. Kahn
10 KAHN GAUTHIER SWICK, LLC
11 650 Poydras Street, Suite 2150
12 New Orleans, LA 70130
13 Telephone: (504) 455-1400
14 Facsimile: (504) 455-1498

15 Attorneys for WestEnd Capital
16 Management LLC

17 Dated: January 18, 2008

/s/ Francis M. Bottini, Jr.

18 Frank J. Johnson (SBN 174882)
19 Francis M. Bottini, Jr. (SBN 175783)
20 Brett M. Weaver (SBN 204715)
21 Derek J. Wilson (SBN 250309)
22 JOHNSON BOTTINI, LLP
23 655 West Broadway, Suite 1400
24 San Diego, CA 92101
25 Telephone: (619) 230-0063
26 Facsimile: (619) 233-5535

27 Attorneys for Brian Vaughn and Miriam
28 Logan

Dated: January 18, 2008

/s/ Leslev Ann Hale

19 Joseph J. Tabacco, Jr. (SBN 75484)
20 Nicole Lavalley (SBN 165755)
21 Leslev Ann Hale (SBN 237726)
22 BERMAN DEVALERIO PEASE
23 TABACCO BURT & PUCILLO
24 425 California Street, Suite 2100
25 San Francisco, CA 94104
26 Telephone: (415) 433-3200
27 Facsimile: (415) 433-6382

28 Attorneys for Albert L. Feldman and
Eleanor Jean Feldman

1 Dated: January 18, 2008

/s/ Alan R. Plutzik

2 Alan R. Plutzik (SBN 077758)
3 L. Timothy Fisher (SBN 191626)
4 SCHIFFRIN BARROWAY TOPAZ &
5 KESSLER, LLP
6 2125 Oak Grove Road, Suite 120
7 Walnut Creek, CA 94598
8 Telephone: (925) 945-0770
9 Facsimile: (925) 945-8792

Attorneys for Donald Cerini

8 Dated: January 18, 2008

/s/ Linda M. Fong

9 Laurence D. King (SBN 206423)
10 Linda M. Fong (SBN 124232)
11 KAPLAN FOX & KILSHEIMER LLP
12 350 Sansome Street, Suite 400
13 San Francisco, CA 94104
14 Telephone: (415) 772-4700
15 Facsimile: (415) 772-4707

14 Joel B. Strauss
15 Jeffrey P. Campisi
16 KAPLAN FOX & KILSHEIMER LLP
17 850 Third Avenue, 14th Floor
18 New York, NY 10022
19 Telephone: (212) 687-1980
20 Facsimile: (212) 687-7714

18 Jeffrey A. Klafter
19 KLAFTER & OLSEN LLP
20 1311 Mamaroneck Avenue, Suite 220
21 White Plains, NY 10605
22 Telephone: (914) 997-5656
23 Facsimile: (914) 997-2444

21 Kurt B. Olsen
22 KLAFTER & OLSEN LLP
23 1250 Connecticut Avenue, N.W. Suite 200
24 Washington, DC 20036
25 Telephone: (202) 261-3553
26 Facsimile: (202) 261-3533

Attorneys for Kurt Hill

1 Dated: January 18, 2008

/s/ Ramzi Abadou

2 Shawn A. Williams (SBN 213113)
3 COUGHLIN STOIA GELLER RUDMAN
4 & ROBBINS LLP
5 100 Pine Street, Suite 2600
6 San Francisco, CA 94111
7 Telephone: (415) 288-4545
8 Facsimile: (415) 288-4534

9 Darren J. Robbins (SBN 168593)
10 David C. Walton (SBN 167268)
11 Ramzi Abadou (SBN 222567)
12 COUGHLIN STOIA GELLER RUDMAN
13 & ROBBINS LLP
14 655 West Broadway, Suite 1900
15 San Diego, CA 92101
16 Telephone: (619) 231-1058
17 Facsimile: (619) 231-7423

18 Attorneys for Daniel Offutt

19 Dated: January 18, 2008

/s/ Linda M. Fong

20 Laurence D. King (SBN 206423)
21 Linda M. Fong (SBN 124232)
22 KAPLAN FOX & KILSHEIMER LLP
23 350 Sansome Street, Suite 400
24 San Francisco, CA 94104
25 Telephone: (415) 772-4700
26 Facsimile: (415) 772-4707

27 Joel B. Strauss
28 Jeffrey P. Campisi
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

Karen Hanson Riebel
LOCKRIDGE GRINDAL & NAUEN
P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981

Attorneys for Edward Feitel

ORDER

THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED.

Dated: January 18, 2008

THE HONORABLE
UNITED STATES

